

REMARKS

Claims 1-41 are pending in the application. Claims 1, 25-27, 34, 35, 39 and 40 have been amended. New claims 42 and 43 have been added and are fully supported. New claim 43 is a combination of amended independent claim 1 and dependent claims 11, 12, and 13. Dependent claim 13 has been deemed to have allowable subject matter, therefore new claim 43 is patentably distinguishable over the art and also contains allowable subject matter. No new matter is presented. Reconsideration is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-41 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has identified the claim limitation "the number of peaks" as having insufficient antecedent basis in claims 1, 34, 39 and 40. Claims 1 and 34 have been amended so that the claim element is removed from the claims. New claim 42 depends from claim 1 and has been written so that the antecedent basis rejection under § 112 regarding "the number of peaks" is now rewritten to recite "the plurality of first peaks." With respect to claims 39 and 40, the limitation "the number of peaks" does not appear in the claim, and thus the rejection under § 112 is believed to have been made in error.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-2, 4-6, 11-12, 14-17, 24, and 27-41 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Cheng et al. (U.S. Publication No. 2004/0044400). Applicant respectfully traverses. Referring to Figure 8 of Cheng et al., every peak in the central section 73 is connected to an adjacent peak, which is known to those having ordinary skill in the art to be highly inflexible. In contrast, independent claims 1, 34, 39, and 40, each now recite in words or substance that at least one first peak in every ring is

not connected to any first peak in an adjacent ring. Clearly, independent claims 1, 34, 39, and 40 are patentably distinguishable over Cheng et al. which shows every peak in the central section being connected to an adjacent peak. Further, the claims that depend directly or indirectly from the rejected independent claims also are patentably distinguishable over Cheng et al. for the same reasons. Accordingly, it is respectfully urged that claims 1-2, 4-6, 11-12, 14-17, 24 and 27-41 are patentably distinguishable over Cheng et al.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 3, 7-10, 18-23, and 25-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng et al. in view of Stiger (U.S. Publication No. 2003/0204244). Applicant respectfully traverses. Claim 3 is patentable over Cheng et al. in view of Stiger since neither of the references disclose seven first peaks in the proximal section rings, six first peaks in the distal section rings, and eight first peaks in the central section rings. With respect to claims 7-10, 18-23, and 25-26, they depend from claim 1, or from claims that depend from claim 1. Claim 1 is patentably distinguishable over the primary reference to Cheng et al., accordingly, each of the dependent claims also are patentably over Cheng et al. Further, independent claim 1, is patentably distinguishable over the secondary reference to Stiger since the Examiner has not rejected claim 1 in view of Stiger. Thus, claim 1, and its dependent claims are patentably distinguishable over the cited art and it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Applicant gratefully acknowledges the allowable subject matter in claim 13. Further, new claim 43 is a combination of independent claim 1 and dependent claims 11, 12, and 13. It is respectfully urged that since there is allowable subject matter in claim 13, that new claim 43 also is allowable over the art.

Claims 1-43 are now pending in the application. Reconsideration is respectfully requested. If a telephone conference would facilitate prosecution of the application, the undersigned can be reached at (310) 824-5555.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John S. Nagy
Registration No. 30,664

JSN:jeb

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
101188.1